

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH HIRSH MITCHELL,

Plaintiff,

v.

RICHARD TAYLOR,

Defendant.

Case No. 21-cv-02327-TLT

**ORDER TO SHOW CAUSE WHY  
PLAINTIFF SHOULD NOT BE  
SANCTIONED FOR FAILING TO  
APPEAR**

On October 28, 2022, Defendant-counterclaimant Richard Taylor filed a motion for summary judgment on counts one and four and for partial summary judgment on counts two, three, and five of Plaintiff-counter defendant Deborah Hirsch Mitchell's complaint. ECF No. 67. On the same day, Plaintiff filed a motion for partial summary judgment on count five of her complaint. ECF No. 68. In both motions, the parties noticed their motions to be heard in person on January 10, 2023. *See* ECF Nos. 67-68.

Plaintiff's counsel failed to appear at the motions hearing without providing advance notice. The hearing date and time have been set since October 28, 2022. As the docket and the Court's Standing Order indicated, the hearing was held in person. *See* Judge Thompson's Civil Standing Order ¶ 4 ("All hearings and appearances will be held in Courtroom 9 on the 19th floor of the United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.").


Accordingly, the Court **ORDERS** Plaintiff's counsel to show cause why the Court should not impose sanctions for counsel's failure to appear at the hearing and comply with the Court's Standing Order and why counsel did not notify the opposing party of their anticipated non-appearance. Counsel for the defendant is invited to submit their costs and attorney's fees for today's appearance.

1 By **January 24, 2023**, Plaintiff's counsel shall file a declaration under penalty of perjury  
2 explaining their non-appearance or inability to have someone appear on their behalf. An Order to  
3 Show Cause hearing is set for **February 3, 2023**, at 9 a.m. in San Francisco, Courtroom 09, 19th  
4 Floor, before Judge Trina L. Thompson. Plaintiff's counsel must appear in person at the hearing.

5 Defendant's counsel may file a declaration of fees and costs incurred as a result of Plaintiff's  
6 counsel's potentially sanctionable conduct by **January 17, 2023**. Plaintiff's counsel may file a written  
7 response to Defendant's counsel's declaration by **January 24, 2023**.

8 **IT IS SO ORDERED.**

9 Dated: January 10, 2023

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12 TRINA L. THOMPSON  
13 United States District Judge  
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United States District Court  
Northern District of California